IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.33589 of 1998

Dated: 17th July, 2006

Between:

Chinnareddy Ramachandra Reddy & others.

.. Petitioners

and

The State of A.P., rep. by its Secretary,
Irrigation & CAD (Irrigation-III) Department,
Secretariat, Hyderabad & others.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.33589 of 1998

ORDER:

This writ petition is filed seeking a Mandamus directing the respondents to initiate land acquisition proceedings in respect of schedule houses and to pay compensation to the petitioners by declaring G.O.Rt.No.765, Irrigation & CAD (Irrigation-III) Department

dated 11.6.1998 as illegal and violative of Article 300-A of the Constitution of India.

In all, there are 65 petitioners. There is no dispute that the petitioners have been allotted lands by the Government under assignment scheme and thereafter, they raised structures thereon. When these lands were coming under sub-mergence of Cheyyuru project, no compensation either by way of ex-gratia or otherwise was paid to the petitioners 1 to 47 under Land Acquisition Act and whereas, petitioners 48 to 65 were paid ex-gratia.

The learned counsel for petitioners states that the issue involved in this writ petition is no more *res integra* and the same is covered by a decision of this Court in **THE LAND ACQUISITION OFFICER-CUM-R.A.O., HYDERABAD v. M.PANDU AND OTHERS**[1] . Para 116 of the said judgment reads as under:

> "In the circumstances, we hold that the assignees of the government lands are entitled to payment of compensation equivalent to the full market value of the land and other benefits on par with full owners of the

> land even in cases where the assigned lands are taken possession of by the State in accordance with the terms of grant or patta, though such resumption is for a public purpose. We further hold that even in cases where the State does not invoke the covenant the grant or patta to resume the land for such public purpose and sorts to acquisition of the land under the provisions of the Land Acquisition Act, 1894, the assignees shall be entitled to compensation owners of the land and for all other consequential benefits under provisions of the Land Acquisition Act, 1894. No condition incorporated in patta/deed of assignment shall operate as a clog putting any restriction, on the right of the assignee to claim full compensation as

owner of the land".

In view of the above, the writ petition is disposed of directing the respondents to initiate land acquisition proceedings and pay compensation to the petitioners under Land Acquisition Act within a period of three months from the date of receipt of a copy of this order. No order as to costs.

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C.V.RAMULU, J

Date: 17.7.2006

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17.7.2006

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[1] 2004(1) Decisions Today (AP)(LB) 25